

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 258

To amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Grazing Improvement

5 Act”.

6 **SEC. 2. TERMS OF GRAZING PERMITS AND LEASES.**

7 Section 402 of the Federal Land Policy and Manage-

8 ment Act of 1976 (43 U.S.C. 1752) is amended—

9 (1) in subsection (a)—

10 (A) by striking “Except as” and inserting

11 the following:

1 “(1) IN GENERAL.—Except as”; and

2 (B) in paragraph (1) (as designated by
3 subparagraph (A)), by striking “ten years sub-
4 ject” and inserting the following: “ 10 years, up
5 to a maximum term of 20 years, if the Sec-
6 retary concerned—

7 “(i) has assessed and evaluated the
8 grazing allotment associated with the per-
9 mit or lease; and

10 “(ii) based on the assessment and
11 evaluation under clause (i), has determined
12 that the grazing allotment is—

13 “(I) with respect to public land
14 administered by the Secretary of the
15 Interior, meeting land health stand-
16 ards; or

17 “(II) with respect to National
18 Forest System land administered by
19 the Secretary of Agriculture, meeting
20 objectives in the applicable land and
21 resource management plan.

22 “(2) CANCELLATION, SUSPENSION, AND MODI-
23 FICATION.—The permit or lease shall be subject”;

24 (2) in subsection (c)—

1 (A) by redesignating paragraphs (1), (2),
2 and (3) as subparagraphs (A), (B), and (C), re-
3 spectively;

4 (B) by striking “So long as” and inserting
5 the following:

6 “(1) RENEWAL OF EXPIRING OR TRANSFERRED
7 PERMIT OR LEASE.—During any period in which”;
8 and

9 (C) by adding at the end the following:

10 “(2) CONTINUATION OF TERMS UNDER NEW
11 PERMIT OR LEASE.—The terms and conditions in a
12 grazing permit or lease that has expired, or was ter-
13 minated due to a grazing preference transfer, shall
14 be continued under a new permit or lease until the
15 date on which the Secretary concerned completes
16 any environmental analysis and documentation for
17 the permit or lease required under the National En-
18 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
19 seq.) and other applicable laws.

20 “(3) COMPLETION OF PROCESSING.—As of the
21 date on which the Secretary concerned completes the
22 processing of a grazing permit or lease in accordance
23 with paragraph (2), the permit or lease may be can-
24 celed, suspended, or modified, in whole or in part.

1 “(4) ENVIRONMENTAL REVIEWS.—The Sec-
2 retary concerned shall seek to conduct environmental
3 reviews on an allotment or multiple allotment basis,
4 to the extent practicable, if the allotments share
5 similar ecological conditions, for purposes of compli-
6 ance with the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.) and other applicable
8 laws.”;

9 (3) by redesignating subsection (h) as sub-
10 section (j); and

11 (4) by inserting after subsection (g) the fol-
12 lowing:

13 “(h) NATIONAL ENVIRONMENTAL POLICY ACT OF
14 1969.—

15 “(1) IN GENERAL.—The issuance of a grazing
16 permit or lease by the Secretary concerned may be
17 categorically excluded from the requirement to pre-
18 pare an environmental assessment or an environ-
19 mental impact statement under the National Envi-
20 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
21 seq.) if—

22 “(A) the issued permit or lease continues
23 the current grazing management of the allot-
24 ment; and

25 “(B) the Secretary concerned—

1 “(i) has assessed and evaluated the
2 grazing allotment associated with the lease
3 or permit; and

4 “(ii) based on the assessment and
5 evaluation under clause (i), has determined
6 that the allotment—

7 “(I) with respect to public land
8 administered by the Secretary of the
9 Interior—

10 “(aa) is meeting land health
11 standards; or

12 “(bb) is not meeting land
13 health standards due to factors
14 other than existing livestock
15 grazing; or

16 “(II) with respect to National
17 Forest System land administered by
18 the Secretary of Agriculture—

19 “(aa) is meeting objectives
20 in the applicable land and re-
21 source management plan; or

22 “(bb) is not meeting the ob-
23 jectives in the applicable land re-
24 source management plan due to

1 factors other than existing live-
2 stock grazing.

3 “(2) TRAILING AND CROSSING.—The trailing
4 and crossing of livestock across public land and Na-
5 tional Forest System land and the implementation of
6 trailing and crossing practices by the Secretary con-
7 cerned may be categorically excluded from the re-
8 quirement to prepare an environmental assessment
9 or an environmental impact statement under the Na-
10 tional Environmental Policy Act of 1969 (42 U.S.C.
11 4321 et seq.).

12 “(i) PRIORITY AND TIMING FOR COMPLETION OF EN-
13 VIRONMENTAL ANALYSES.—The Secretary concerned, in
14 the sole discretion of the Secretary concerned, shall deter-
15 mine the priority and timing for completing each required
16 environmental analysis with respect to a grazing allot-
17 ment, permit, or lease based on—

18 “(1) the environmental significance of the graz-
19 ing allotment, permit, or lease; and

20 “(2) the available funding for the environmental
21 analysis.”.

1 **SEC. 3. VOLUNTARY RELINQUISHMENT OF GRAZING PER-**
2 **MITS OR LEASES.**

3 Title IV of the Federal Land Policy and Management
4 Act of 1976 (43 U.S.C. 1751 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 405. VOLUNTARILY RELINQUISHMENT PILOT PRO-**
7 **GRAM. —**

8 “(a) IN GENERAL.—There is established in the De-
9 partment of the Interior and the Department of Agri-
10 culture a pilot program that—

11 “(1) authorizes the voluntary relinquishment of
12 grazing permits or leases in the eligible States speci-
13 fied in subsection (f); and

14 “(2) provides that grazing permits or leases vol-
15 untarily relinquished under this section shall be per-
16 manently retired from further grazing authorization.

17 “(b) ACCEPTANCE BY SECRETARY AND SECRETARY
18 OF AGRICULTURE.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 within the eligible States specified in subsection
21 (f)—

22 “(A) the Secretary shall accept the vol-
23 untary relinquishment of any valid permits or
24 leases authorizing grazing on public land; and

25 “(B) the Secretary of Agriculture shall ac-
26 cept the voluntary relinquishment of any valid

1 permits or leases authorizing grazing on land in
2 the National Forest System.

3 “(2) LIMITATION.—Notwithstanding paragraph
4 (1), the Secretary and the Secretary of Agriculture
5 shall not accept the voluntarily relinquishment of
6 more than 25 grazing permits or leases per year in
7 each of the eligible States specified in subsection (f).

8 “(c) TERMINATION.—With respect to each permit or
9 lease voluntarily relinquished under subsection (a), the
10 Secretary concerned shall—

11 “(1) terminate the grazing permit or lease; and

12 “(2) except as provided in subsection (d), en-
13 sure a permanent end to grazing on the land covered
14 by the permit or lease.

15 “(d) COMMON ALLOTMENTS.—

16 “(1) IN GENERAL.—If the land covered by a
17 grazing permit or lease that has been voluntarily re-
18 linquished under subsection (a) is also covered by
19 another valid existing grazing permit or lease that is
20 not voluntarily relinquished under subsection (a), the
21 Secretary concerned shall reduce the authorized
22 grazing level on the land covered by the permit or
23 lease to reflect the relinquishment of the grazing
24 permit or lease.

1 “(2) AUTHORIZED LEVEL.—To ensure that
2 there is a permanent reduction in the level of graz-
3 ing on the land covered by a grazing permit or lease
4 that has been voluntarily relinquished under sub-
5 section (a), the Secretary shall not allow grazing use
6 to exceed the authorized level established under
7 paragraph (1).

8 “(3) PARTIAL RELINQUISHMENT.—

9 “(A) IN GENERAL.—If a person holding a
10 valid grazing permit or lease voluntarily relin-
11 quishes less than the full level of grazing use
12 authorized under the permit or lease, the Sec-
13 retary concerned shall—

14 “(i) reduce the authorized grazing
15 level to reflect the voluntarily relinquis-
16 hment; and

17 “(ii) modify the grazing permit or
18 lease to reflect the revised level of use.

19 “(B) AUTHORIZED LEVEL.—To ensure
20 that there is a permanent reduction in the au-
21 thorized level of grazing on the land covered by
22 a permit or lease which has been voluntarily re-
23 linquished under subparagraph (A), the Sec-
24 retary shall not allow grazing use to exceed the

1 authorized level established under that subpara-
2 graph.

3 “(e) ANNUAL REPORT.—

4 “(1) IN GENERAL.—The Secretary, in collabo-
5 ration with the Secretary of Agriculture, shall pre-
6 pare an annual report on the pilot program that as-
7 sesses the activities undertaken under the pilot pro-
8 gram during the preceding year, including the num-
9 ber and location of grazing permits and leases that
10 were voluntarily relinquished during the preceding
11 year.

12 “(2) SUBMISSION TO CONGRESS.—The Sec-
13 retary shall submit the annual report prepared
14 under paragraph (1) to—

15 “(A) the Committee on Energy and Nat-
16 ural Resources of the Senate; and

17 “(B) the Committee on Natural Resources
18 of the House of Representatives.

19 “(f) ELIGIBLE STATES.—The authority of the Sec-
20 retary and the Secretary of Agriculture to accept vol-
21 untary relinquishments in accordance with this section
22 shall be limited to grazing allotments in the States of New
23 Mexico and Oregon.”.